

Application Serial No. 09/381,143
Reply to Office Action of November 28, 2003

PATENT
Docket: CU-2003

REMARKS/ARGUMENTS

Claims 1-12 and 16-21 are pending in the present application before this amendment. No amendment has been made in the present Response for the following reasons, and reconsideration is respectfully requested. No new matter has been added.

Claims 1-12 and 16-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,935,249 (Stern) in view of U.S. Patent No. 6,003,065 (Yan). The "et al." suffix, which may appear after a reference name, is omitted in this paper.

An Examiner interview was held on April 27, 2004, in which the following points have been discussed:

- (1) The Abstract of the Disclosure is missing according to the Examiner and should be submitted;
- (2) The cited U.S. Patent No. 6,003,065 (Yan) is not a valid prior art reference and withdrawal of rejections is proper on this ground alone; and
- (3) Withdrawal of the rejections is proper at least since no cited references teaches the claimed limitation of the "virtual message processor."

As to the first point above, the Abstract of the Disclosure of about 150 words as required under the rules is attached hereto.

As to the second point above, the Yan's U.S. filing date of April 24, 1997 is after the priority date of March 14, 1997 of the present application filed in Australia. This priority date of the present application is shown in the Filing Receipt of October 22, 1999. This priority date is deemed to have been

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perfected as the certified copy of the Australian application (or the equivalent) should have been forwarded to the USPTO from the International Bureau at the request of the Applicant.

In response, the Examiner has acknowledged that Yan does not qualify as a valid prior art reference and agreed to reconsider for the withdrawal of the rejections in the outstanding Office Action. Withdrawal of the rejections is respectfully requested on this ground alone.

As to the third point above, the attorneys of the record have asserted that the none of the cited references discloses, inter alia, the claimed "virtual message processor" for reasons as described in the following remarks, which had been faxed to the Examiner prior to the Examiner interview. The Examiner has acknowledged better understanding of the claims and our arguments and indicated that he may need to discuss these arguments with the Primary Examiner before determining the allowability of the pending claims.

The Office Action indicates that Stern fails to disclose the virtual machine means that is emulatable in different computers having incompatible hardware and/or operating systems. The Office Action then asserts that it would have been obvious to combine Stern and Yan to arrive at the presently claimed invention.

However, whether or not the combination of Stern and Yan teaches the claimed the virtual machine that is emulatable in different incompatible hardware and/or operating systems, Applicant respectfully points out that neither Stern nor Yan (whether they are combined or taken individually) teaches the claimed

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"virtual message processor."

Applicant respectfully disagrees with the assertions in the Office Action, in particular, that Stern teaches the claimed **"virtual message processor"**. Applicant respectfully reasserts the remarks made in the previous amendments that Stern only discusses the use of **"standard discrete chipsets or other circuit devices."** The claimed virtual processor is distinguished from a chipset or a circuit device such as in Stern, because Stern teaches use of physical devices and therefore cannot teach a message processor that is "virtual," i.e., all in the realm of software.

As disclosed in the Specification page 10, line 29 to page 11, line 1, the software of the preferred embodiment of the present application includes **"three layers of virtual machine software (the HW drive layer, the Hardware Abstraction Layer, and the Virtual Machine Processor Layer) and a software application."** Further, it has been admitted that **"all layers other than the Virtual Machine Processor Layers are well established by prior art."**

The Virtual Machine Processor Layer shown in FIG. 2, element 103, includes, inter alia, a virtual function processor includes a virtual message processor 105 and a protocol processor 106, **"implemented in software code"** (the Specification page 18, lines 33-35).

In contradistinction, nowhere in Stern (or in any other cited references) discloses the claimed **virtual message processor** that carries out the presently claimed task of --assembling, disassembling and comparing messages, whereby when a message is required to be handled by the communications device the

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message processor is called to carry out the message handling task-- as in Claim 1.

The cited Stern reference is assigned to Sun Microsystems, the creator of the Java programming language. One important feature of the Java language is that it can be interpreted by a Java Virtual Machine. Different versions of Java Virtual Machine are produced to interface with different underlying processors and operating systems. Thus, a program written in Java language may run on a variety of computers each having incompatible hardware or operating systems, and each running a Java Virtual Machine. Similar aspects of this type of a virtual machine has been described in the Specification, page 6, at the top.

However, the communication device as described and presently claimed is quite significantly different from the Java Virtual Machine of Stern, because the presently claimed invention includes a dedicated virtual message processor, which function is to perform generic handling of messages.

Applicant respectfully submits that Java Virtual Machine does not include such claimed dedicated virtual message processor. The addition of such a claimed message processor represents an additional component that must be added to any known Java Virtual Machine. This introduction of the dedicated virtual message processor in the presently claimed invention provides quite substantially different handling of the messages than in any known Java Virtual Machine. In other words, the Java language takes a different approach than the functions of the presently claimed invention that includes a dedicated message processor.

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The Office Action cites Stern col. 6, line 53 to col. 7, lines 6 (and FIG. 4) as disclosing the claimed virtual function processor and the claimed virtual message processor. However, the cited passages of Stern as shown in FIG. 4 discloses the hardware environment in which a Java Virtual Machine can run on. The other parts of Stern reference (such as cols. 6-10), as understood, describe the interface and/or traffic control aspect of a Java Virtual Machine in a network environment.

Stern fails to teach the claimed dedicated "virtual" message processor when, for example, called by the "virtual" function processor --carry out the task of assembling, disassembling and comparing messages, whereby when a message is required to be handled by the communications device the message processor is called to carry out the message handling task--.

As stated in the Specification page 7, providing a separate virtual message processor allows for "faster, simpler programming." Neither Stern nor Yan teaches or suggests the provision of the claimed virtual machine with a dedicated virtual message processor. That is, if a Java Virtual Machine as described in Stern is used to perform messaging, each application developed would be required to adjust to the characteristics of the different devices that the application was to execute on, such as screen width and fonts.

The claimed virtual message processor removes this burden from the development of the application and places it on the software platform that resides on the device. This relieves the application developers of the burden of programming to the physical characteristics of the platform that application will

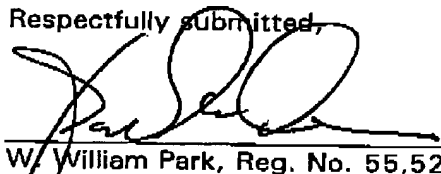
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execute on.

For the reasons set forth above, Applicant respectfully submits that Claims 1-12 and 16-21 pending in this application are in condition for allowance over the cited references. This amendment is considered to be responsive to all points raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and earnestly solicits an indication of allowable subject matter. Should the Examiner have any remaining questions or concerns, the Examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,



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